

SENATE, No. 2315

STATE OF NEW JERSEY 218th LEGISLATURE

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Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

SYNOPSIS

Requires water purveyors to develop and implement a drought interconnection system.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning water supplies, amending and supplementing
2 P.L.1981, c.262, and amending R.S.48:2-23.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. (New section) As used in this act:

8 "Drought" means a condition of dryness due to lower than
9 normal precipitation, resulting in reduced stream flows, reduced soil
10 moisture or a lowering of the potentiometric surface in wells.

11 "Drought warning condition" means a declaration by the
12 commissioner under the department's non-emergency powers prior
13 to a state of water emergency declared by the Governor pursuant to
14 section 4 of P.L.1981, c.262 (C.58:1A-4) calling for action to be
15 taken to reduce the likelihood or impact of any impending drought
16 emergency. Whenever such situations involve a relative lack of
17 precipitation or a lower than normal storage of water supplies, the
18 department may identify the affected region or the State as a whole
19 as being in a "drought warning condition."

20 "Public water system" means a system for the provision to the
21 public of water for human consumption through pipes or other
22 constructed conveyances, if such system has at least 15 service
23 connections or regularly serves an average of at least 25 individuals
24 daily at least 60 days out of the year. "Public water system"
25 includes: (1) any collection, treatment, storage and distribution
26 facilities under control of the operator of such system and used
27 primarily in connection with such system; and (2) any collection or
28 pre-treatment storage facilities not under such control which are
29 used primarily in connection with such system.

30 "Public water utility" means the same as that term is defined in
31 section 3 of P.L.1985, c.334 (C.58:11B-3).

32 "Region" means any of the drought regions as previously defined
33 by the department to include Central, Coastal North, Coastal South,
34 Northeast, Northwest and Southwest.

35 "Small water company" means the same as that term is defined in
36 section 3 of P.L.1985, c.334 (C.58:11B-3).

37 "Water purveyor" means any public water utility that owns or
38 operates a public water system.

39

40 2. (New section) a. Every water purveyor shall develop and
41 implement a drought interconnection system.

42 b. Within 12 months after the effective date of this act, every
43 water purveyor shall prepare a plan, in conjunction with every
44 proximate public water utility within the region wherein the water
45 purveyor provides service, for the interconnection of their

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 respective public water systems to (1) facilitate the furnishing of
2 water between systems and regions during a drought warning
3 condition or state of water emergency as declared by the Governor
4 within specific areas of the State pursuant to section 4 of P.L.1981,
5 c.262 (C.58:1A-4), (2) balance demand with available water
6 supplies, and (3) assure that sufficient water is available throughout
7 the State during such conditions or emergencies.

8 c. Each drought interconnection plan developed by a water
9 purveyor shall be subject to review and approval by the department.

10 d. Each water purveyor shall implement the drought
11 interconnection system approved by the department within five
12 years after the effective date of this act.

13
14 3. (New section) The commissioner shall adopt, pursuant to the
15 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
16 seq.), rules and regulations as are necessary to effectuate the
17 provisions of P.L. , c. (C.) (pending before the Legislature
18 as this bill).

19
20 4. Section 9 of P.L.1981, c.262 (C.58:1A-9) is amended to read
21 as follows:

22 9. The Board of **【Regulatory Commissioners】** Public Utilities
23 shall fix just and reasonable rates for any public water **【supply】**
24 system subject to its jurisdiction, as may be necessary for that
25 system to comply with an order issued by the department or the
26 terms and conditions of a permit issued pursuant to P.L.1981, c.262
27 (C.58:1A-1 et al.) or P.L.1993, c.202 (C.58:1A-7.3 et al.).
28 (cf: P.L.1993, c.202, s.8)

29
30 5. Section 15 of P.L.1981, c.262 (C.58:1A-15) is amended to
31 read as follows:

32 15. The department may:

33 a. Perform any and all acts and issue such orders as are
34 necessary to carry out the purposes and requirements of P.L.1981,
35 c.262 (C.58:1A-1 et al.) or P.L.1993, c.202 (C.58:1A-7.3 et al.);

36 b. Administer and enforce the provisions of P.L.1981, c.262
37 (C.58:1A-1 et al.) or P.L.1993, c.202 (C.58:1A-7.3 et al.) and rules,
38 regulations and orders adopted, issued or effective thereunder;

39 c. Present proper identification and then enter upon any land or
40 water for the purpose of making any investigation, examination or
41 survey contemplated by P.L.1981, c.262 (C.58:1A-1 et al.) or
42 P.L.1993, c.202 (C.58:1A-7.3 et al.);

43 d. **【Subpena】** Subpoena and require the attendance of
44 witnesses and the production by them of books and papers pertinent
45 to the investigations and inquiries the department is authorized to
46 make under P.L.1981, c.262 (C.58:1A-1 et al.) or P.L.1993, c.202
47 (C.58:1A-7.3 et al.), and examine them and those public records as
48 shall be required in relation thereto;

- 1 e. Order the interconnection of public water **【supply】** systems,
2 whether in public or private ownership, whenever the department
3 determines that the public interest requires that this interconnection
4 be made, and require the furnishing of water by means of that
5 system to another system, but no order shall be issued before
6 comments have been solicited at a public hearing, notice of which
7 has been published at least 30 days before the hearing, in one
8 newspaper circulating generally in the area served by each involved
9 public water **【supply】** system, called for the purpose of soliciting
10 comments on the proposed action. Nothing in this subsection shall
11 be construed to alter or restrict the authority of the commissioner to
12 order any person to make emergency interconnections between
13 systems during a state of water emergency as provided in section 4
14 of P.L.1981, c.262 (C.58:1A-4).
- 15 f. Order any person diverting water to improve or repair its
16 water supply facilities so that water loss is eliminated so far as
17 practicable, safe yield is maintained, and the drinking water quality
18 standards adopted pursuant to the "Safe Drinking Water Act,"
19 P.L.1977, c.224 (C.58:12A-1 et al.) are met;
- 20 g. Enter into agreements, contracts, or cooperative
21 arrangements under such terms and conditions as the department
22 deems appropriate with other states, other State agencies, federal
23 agencies, municipalities, counties, educational institutions, investor-
24 owned water companies, municipal utilities authorities, or other
25 organizations or persons;
- 26 h. Receive financial and technical assistance from the federal
27 government and other public or private agencies;
- 28 i. Participate in related programs of the federal government,
29 other states, interstate agencies, or other public or private agencies
30 or organizations;
- 31 j. Establish adequate fiscal controls and accounting procedures
32 to assure proper disbursement of and accounting for funds
33 appropriated or otherwise provided for the purpose of carrying out
34 the provisions of P.L.1981, c.262 (C.58:1A-1 et al.) or P.L.1993,
35 c.202 (C.58:1A-7.3 et al.);
- 36 k. Delegate those responsibilities and duties to personnel of the
37 department as deemed appropriate for the purpose of administering
38 the requirements of P.L.1981, c.262 (C.58:1A-1 et al.) or P.L.1993,
39 c.202 (C.58:1A-7.3 et al.);
- 40 l. Combine permits issued pursuant to P.L.1981, c.262
41 (C.58:1A-1 et al.) or P.L.1993, c.202 (C.58:1A-7.3 et al.) with
42 permits issued pursuant to any other act whatsoever whenever that
43 action would improve the administration of those acts;
- 44 m. Evaluate and determine the adequacy of ground and surface
45 water supplies and develop methods to protect aquifer recharge
46 areas.
- 47 (cf: P.L.1993, c.202, s.9)

1 6. R.S.48:2-23 is amended to read as follows:

2 48:2-23. a. The board may, after public hearing, upon notice, by
3 order in writing, require any public utility to furnish safe, adequate
4 and proper service, including furnishing and performance of service
5 in a manner that tends to conserve and preserve the quality of the
6 environment and prevent the pollution of the waters, land and air of
7 this State, and including furnishing and performance of service in a
8 manner which preserves and protects the water quality of a public
9 water **【supply】** system, and to maintain its property and equipment
10 in such condition as to enable it to do so.

11 The board may, pending any such proceeding, require any public
12 utility to continue to furnish service and to maintain its property and
13 equipment in such condition as to enable it to do so.

14 The board, in requiring any public water utility to furnish safe,
15 adequate and proper service, may require the public water utility to
16 retain in its rate base any property which the board determines is
17 necessary to protect the water quality of a public water **【supply】**
18 system.

19 b. Every public water utility shall provide the board with a
20 copy of the drought interconnection plan submitted to and approved
21 by the Department of Environmental Protection pursuant to section
22 2 of P.L. , c. (C.) (pending before the Legislature as this
23 bill) for every area wherein the public water utility provides service.
24 (cf: P.L.1988, c.163, s.5)

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26 7. This act shall take effect immediately.

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STATEMENT

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31 This bill would require water purveyors to develop and
32 implement drought interconnection plans and systems. Within 12
33 months after the bill's effective date, every water purveyor would
34 be required to prepare a plan, in conjunction with every proximate
35 public water utility within the region wherein the water purveyor
36 provides service, for the interconnection of their respective public
37 water systems to (1) facilitate the furnishing of water between
38 systems and regions during a drought warning condition or state of
39 water emergency as declared by the Governor within specific areas
40 of the State pursuant to law, (2) balance demand with available
41 water supplies, and (3) assure that sufficient water is available
42 throughout the State during such conditions or emergencies.

43 Each drought interconnection plan developed by a water
44 purveyor would be subject to review and approval by the
45 Department of Environmental Protection.

46 Every water purveyor would be required to implement the
47 drought interconnection system approved by the department within
48 five years after the date the bill is enacted into law.